IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8681 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VASANTLAL R RAVAL

Versus

SECRETARY

Appearance:

MR RA MISHRA for Petitioner

MR G.M.BAROT FOR MR HS MUNSHAW for Respondent No. 1

CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 07/04/2000

ORAL JUDGEMENT

This petition is filed by the petitioner for an appropriate writ, order or direction directing the

respondents to operate the select list and to fill in the posts of Field Workers which are vacant.

The case of the petitioner was that pursuant to an advertisement dated July 29, 1986, published in Sandesh vernacular daily, he made an application for the post of Field Worker and Compounder. The petitioner was called for interview. He appeared at the interview on June 10, 1987 and by a letter dated August 31, 1987, he was informed that he had been selected for the post of Field Worker and his name was at Sr. No. 19.

It was the case of the petitioner that due to drought prevailing in the State of Gujarat, the select list was not operated for some time. Out of 51 candidates selected , initially only 12 were given appointments and thereafter no further appointments were made . Subsequently, however, he came to know that two persons who were at serial Nos. 28 and 29 respectively, were appointed and even though the petitioner's name was at serial No.19, he was ignored. Said action was clearly arbitrary, discriminatory , unreasonable and violative of Articles 14 and 16 of the Constitution.

Rule was issued. Today, I have heard Mr. R. A. Mishra for the petitioner and Mr. G. M. Barot for the respondent authorities.

Mr. Mishra contended that looking to the record, it is clear that in pursuance of the advertisement issued by the authorities, the petitioner appeared before the Committee and got himself selected . Select list was prepared wherein he was at serial No.19. He was also informed about the said fact. Even if it is conceded that the action of the respondents in not making appointment because of drought situation at the relevant time was legal and proper, when the select list was further operated, it was incumbent upon the authorities to give appointment to the petitioner when further appointments were made . Unfortunately, it was not done. Looking to the record
and the position which has been admitted by the respondents, particularly in the affidavit in reply filed by the Secretary, District Panchayat Service Selection Committee, Ahmedabad District Panchayat, two persons who were at serial Nos. 28 and 29 respectively were appointed and thus, gross injustice has been caused to the petitioner.

Now, looking to the affidavit in reply as well as Annexures `A' and `B' to the affidavit, it is clear that

two persons who were appointed and who were at serial Nos. 28 and 29 respectively in the select list belonged to the Scheduled Tribe. It is an admitted fact that the petitioner did not belong to the said category and falls within general category. In the facts and circumstances, therefore, no illegality can be said to have been committed .

Since I do not see any infirmity in the action taken by the authorities, the petition deserves to be dismissed and is accordingly dismissed. Rule is discharged. No order as to costs.

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parekh